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Customer No. 32127
Attorney Docket No. 97-813

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Steven E. GARDELL et al.

Application No.: 09/177,700

Filed: October 23, 1998

For: MULTI-LINE APPEARANCE
TELEPHONY VIA A COMPUTER
NETWORK

Group Art Unit: 2662

Examiner: Hanh N. NGUYEN

Confirmation No.: 3477

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TO OFFICE ACTION

This Reply is filed in response to the Office Action mailed on January 4, 2005.

Applicants have made no claim amendments, and claims 1-19 thus remain pending.

The Office Action comes after a Remand to the Examiner issued by the Board of Patent Appeals and Interferences on November 30, 2004. The Board remanded this application to the Examiner because new grounds of rejection were raised in the Examiner's Answer on appeal and Appellants/Applicants would otherwise have been deprived of the opportunity to respond to the new grounds of rejection.

Summary of Recent Grounds of Rejection

The appeal was taken from the Final Office Action issued on August 5, 2002, in which the Examiner rejected claims 1-3 and 6-16 under 35 U.S.C. § 103(a) as being unpatentable over *Kumar et al.*, U.S. Patent No. 6,006,253 in view of *Pang et al.*, U.S.

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Patent No. 6,298,045. In the Final Office Action, the Examiner also rejected claims 4, 5, and 17-19 under 35 U.S.C. § 103(a) as being unpatentable over *Kumar et al.* in view of *Skarbo et al.*, U.S. Patent No. 5,546,447, and *Pepper et al.*, U.S. Patent No. 5,930,700. In the Examiner's Answer on appeal, the Examiner rejected claims 1-14 under 35 U.S.C. § 103(a) as being unpatentable over *Kumar et al.* in view of *Pang et al.* and rejected claims 15-19 under 35 U.S.C. § 103(a) as being unpatentable over *Kumar et al.* and *Pang et al.*, further in view of *Pepper et al.*

In the January 4, 2005, Office Action, issued after the Board's remand, the Examiner again changed the grounds of rejection of nearly all of the claims. In particular, the Examiner now rejects claims 1-4, 6-10, and 12-19 under 35 U.S.C. § 102(e) over *Pang et al.* The Examiner also rejects claim 11 under 35 U.S.C. § 103(a) over *Pang et al.* in view of *Kumar et al.* Finally, the Examiner rejects claim 5 under 35 U.S.C. § 103(a), although he has removed the *Kumar et al.* reference and relies on *Pang et al.* alone.

In this Reply, Applicants respond to the rejections set forth in the January 4, 2005, Office Action. To the extent that any rejections from the Final Office Action or the Examiner's Answer may be viewed as outstanding, Applicants refer to and incorporate the arguments set forth in the Appeal Brief filed on December 5, 2002, and the Reply Brief filed on April 28, 2004.

Section 102 Rejections

Claims 1-4, 6-10, and 12-19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Pang et al.* To anticipate a claim, the reference must teach every element of the claim. M.P.E.P. § 2131 (8th ed. 2001, 2nd revision May 2004). Because

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the Examiner has not shown that *Pang et al.* teaches every element of claims 1-4, 6-10, and 12-19, Applicants respectfully request the withdrawal of the section 102 rejections and the timely allowance of these claims.

Claim 1 recites, among other things, a signal routing agent in communication with one or more terminals being operative to receive plural incoming calls addressed to a selected one of the terminals and programmed to simultaneously transmit plural line appearance signals that identify origins of the incoming calls to the selected terminal. The Examiner has not shown such a teaching in the reference.

In the Office Action, the Examiner admits that "*Pang et al.* does not disclose the signal routing agent (processor 70) transmitting plural line appearance signals to the selected terminals." (January 4, 2005 Office Action, p. 2.) Instead, the Examiner alleges,

[s]ince the processor 70 (signal routing agent) is programmed to display incoming calls with caller IDs 150 (signals identifying origins), multiple line displays 132 (plural line appearance signals) on data terminal 24, therefore, it is inherent that the line appearance signals that displayed on the terminal must have been transmitted from the processor 70 because processor 70 controls resources provided to terminals coupled to communication.

(*Id.*, pp. 2-3, internal citations omitted.)

Applicants respectfully disagree. The line displays 132 of *Pang et al.* correspond to telephone lines being monitored by an office attendant computer program to control telephony functions of an office. (*Pang et al.*, col. 13, ll. 59-67.) The line displays 132 display the name, extension and/or telephone number of one or both parties to a call on a telephone line being monitored by a computer program. (*Pang et al.*, col. 16, ll. 32-

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36.) Thus, the line displays of the reference correspond to different calls between different terminals, not plural line appearance signals that identify origins of incoming calls to a selected terminal.

Furthermore, even if the line displays of the reference could be the claimed plural line appearance signals, something the Applicants clearly do not admit, the line displays in *Pang et al.* are displayed on computers running the office attendant computer programs, not the selected terminal to which plural incoming calls are addressed, as recited in claim 1. Thus, even under the Examiner's own interpretation of the reference, it would not be inherent that the line appearance signals must have been transmitted from the processor to the selected terminal.

Finally, the Examiner has not alleged any teaching, either explicit or inherent, of a signal routing agent programmed to **simultaneously** transmit plural line appearance signals to a selected terminal. The Office Action simply does not address this claim term. Thus, for at least the foregoing reasons, it has not been shown that *Pang et al.* teaches every element of claim 1 and the rejection of the claim should be withdrawn.

Claims 2-4 and 6-8 depend from claim 1 and incorporate its recitations. Thus, for at least the same reasons given above with respect to claim 1, the Examiner has not shown that *Pang et al.* teaches every element of claims 2-4 and 6-8, and the section 102 rejections of claims 2-4 and 6-8 should be withdrawn.

Claim 9 recites a signal routing agent being responsive to receipt of computer network-compatible signals to identify corresponding terminals to receive the computer network-compatible signals and to transmit line appearance messages that identify an

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origin of the incoming call to each of the terminals. The Examiner has not shown a teaching of this claim element in *Pang et al.*

Regarding a signal routing agent that transmits line appearance messages that identify an origin of an incoming call to terminals, the Examiner merely cites line displays 132 and caller ID information 150 that are displayed on a terminal running an office attendant computer program in the reference. (January 4, 2005 Office Action, p. 3; *Pang et al.*, col. 16, ll. 23-45.) The Examiner does not point to any teaching that the line displays or caller ID information are transmitted to terminals by a signal routing agent. Furthermore, the Examiner does not allege any teaching of a signal routing agent that transmits line appearance messages to terminals responsive to receipt of computer network-compatible signals, as recited in claim 9. Thus, for at least the foregoing reasons, it has not been shown that *Pang et al.* teaches every element of claim 9 and the rejection of the claim should be withdrawn.

Claims 10 and 12-14 depend from claim 9 and incorporate its recitations. Thus, for at least the reasons given above with respect to claim 9, the Examiner has not shown that *Pang et al.* teaches every element of claims 10 and 12-14, and the section 102 rejections of claims 10 and 12-14 should be withdrawn.

Claim 15 recites a method including the steps of receiving plural incoming calls directed to a particular address and transmitting plural line appearance signals that identify origins of the incoming calls to end-points associated with the address. As discussed above with respect to claim 1, the Examiner has not shown a teaching in *Pang et al.* of transmitting plural line appearance signals that identify origins of plural

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Incoming calls directed to a particular address. For at least this reason, the section 102 rejections of claim 15 and its dependent claim 16 should be withdrawn.

Claim 17 recites a method including the steps of receiving an incoming call addressed to a particular dialed number and transmitting line appearance signals that identify an origin of the incoming call to terminals corresponding to the dialed number. As discussed above with respect to claim 1, the Examiner has not shown a teaching in *Pang et al.* of transmitting line appearance signals that identify origins of incoming calls directed to a particular dialed number.

Claim 17 further recites the step of accessing a configuration database to identify terminals corresponding to a particular dialed number. The Examiner also has not shown a teaching of this step in the reference. Instead, the Examiner cites a directory 27 of the reference that "makes various types of directory information available to users....[such as] names, telephone extensions, address or other personal or work information regarding persons or departments...." (*Pang et al.*, col. 11, ll. 41-50.) The mere teaching of a telephone directory does not teach the step of accessing a configuration database to identify terminals corresponding to a dialed number, and the Examiner has not explained how such a connection might be made. Because the Examiner has not shown a teaching of every element of claim 17, the section 102 rejections of claim 17 and its dependent claim 18 should be withdrawn.

The rejection of claim 19 under 35 U.S.C. § 102(e) is incomplete and should be withdrawn. In particular, the Examiner has failed to address several elements recited by claim 19. For example, claim 19 recites a method including the step of creating a configuration database storing attendant and attendee relationships between respective

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ones of the terminal end-points. The Office Action does not mention this step at all. Claim 19 further recites the step of accessing the configuration database to determine if a particular number corresponds to an attendant or attendee terminal end-point and recites different steps taken if the number corresponds to an attendant terminal end-point or to an attendee terminal end-point. The Office Action makes no mention of these claim elements.

Because the Examiner has not shown, or even alleged, a teaching of every element of claim 19, Applicants request the withdrawal of its rejection under section 102.

Section 103 Rejections

In the January 4, 2005 Office Action the Examiner rejected claim 5 under 35 U.S.C. § 103(a) over *Pang et al.* and rejected claim 11 under 35 U.S.C. § 103(a) over *Pang et al.* in view of *Kumar et al.* To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), the reference or references, taken alone or combined, must teach or suggest each and every element recited in the claims. M.P.E.P. § 2143.03 (8th ed. 2001, 2nd revision May 2004). The Office Action does not show a teaching or suggestion of every element of claims 5 and 11, and the section 103 rejections of these claims should be withdrawn.

Claim 5 depends from claim 1. As discussed above with respect to claim 1, *Pang et al.* does not disclose a signal routing agent in communication with one or more terminals being operative to receive plural incoming calls addressed to a selected one of the terminals and programmed to simultaneously transmit plural line appearance signals that identify origins of the incoming calls to the selected terminal, as recited by

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claim 5 by virtue of its dependence from claim 1. Furthermore, the Examiner has not alleged that such a modification would have been obvious based on *Pang et al.* For at least this reason, Applicants request that the section 103 rejection of claim 5 be reconsidered and withdrawn.

Claim 11 depends from claim 9. As discussed above with respect to claim 9, *Pang et al.* does not disclose a signal routing agent being responsive to receipt of computer network-compatible signals to identify corresponding terminals to receive the computer network-compatible signals and to transmit the appearance messages that identify an origin of the incoming call to each of the terminals, as recited by claim 11 by virtue of its dependence from claim 9. Furthermore, the Examiner has not alleged that *Kumar et al.* cures this defect or that such a modification of the references would have been obvious. For at least this reason, Applicants request that the section 103 rejection of claim 11 be reconsidered and withdrawn.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims. If the Examiner should maintain any of his rejections, Applicants request that the next Office Action be made final in order to facilitate the reinstatement of the appeal before the Board of Patent Appeals and Interferences.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 07-2339.


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Respectfully submitted,

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- 1) Petition for One Month Extension of Time; and
- 2) Reply to Office Action.

Title: MULTI-LINE APPEARANCE TELEPHONY VIA A COMPUTER NETWORK
Serial No. 09/06.700 *17,700 CA*
Filing Date: October 23, 1998
First Named Inventor: Steven E. GARDELL
Atty. No. 97-313 RCE 1

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MULTI-LINE APPEARANCE TELEPHONY VIA A COMPUTER NETWORK
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